

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Petitioner, vs. MERCURY INTERNET & WIRELESS SERVICE, Respondent.	DOCKET NO. FCU-03-39 (C-03-114)
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**ORDER GRANTING REQUEST TO WITHDRAW COMPLAINT
AND CLOSING DOCKET**

(Issued July 17, 2003)

On June 12, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a complaint against Mercury Internet & Wireless Service (Mercury), alleging that Mercury violated Iowa Code § 476.103 regarding unauthorized changes or charges in telecommunications services. Consumer Advocate requested that the Board commence an administrative proceeding pursuant to Iowa Code § 476.103 for the purpose of imposing civil penalties on Mercury for its alleged violation. The complaint has been identified as Docket No. FCU-03-39.

On June 13, 2003, Consumer Advocate filed a request to withdraw its complaint. In support of the withdrawal, Consumer Advocate states that the terms of a settlement between Consumer Advocate and Mercury in other dockets are sufficient to settle this matter as well and no further penalty should be pursued. The Board will permit Consumer Advocate to withdraw its complaint and will close this docket.

IT IS THEREFORE ORDERED:

1. The request to withdraw the complaint filed on June 13, 2003, by the Consumer Advocate Division of the Department of Justice against Mercury Internet & Wireless Service is granted.
2. This proceeding, identified as Docket No. FCU-03-39, is closed.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 17th day of July, 2003.